

## **How can aviation law and policy facilitate open access to the new airport of Istanbul - Part II - “Political and Legal Challenges” - Resat Volkan Gunel - Near East University - 2nd Istanbul Hub Seminar presentation summary**

The presentation includes some of basic principles which take into account that politics, economics and law are very much interrelated to each other. The second part highlights the legal and political challenges of the new Istanbul airport.

Dr. Gunel mentioned that for any country “to be a significant player in the global economy, under open market rules, governments take political decision on the economy by making regulations and deregulations”. The construction of the new airport was an important political decision as it will have important impacts on Istanbul in different areas such as society, culture, economy and environment. From the legal point of view where interpretation plays an important role he mentioned that responsibility is crucial.

The legal structure since the foundation of the Republic of Turkey back in 1923 has been based on western legal principles and is line with most of International conventions and protocols. Aviation law in Turkey is compliance with most of the international conventions and protocols and Turkey participates on international duties like the European Civil Aviation conference, Eurocontrol and the ICAO council. The main two Turkish legal bodies in Aviation are the [Directorate General of Civil Aviation](#) (DGCA) and the [General Directorate of State Airport Authority](#) (DHMI) .

DHMI has the main role on the Build Operate and Transfer (BOT) project of the new Istanbul Airport. Dr. Gunel defined, from the public law point of view, BOT projects “as a form of project financing where a private entity - sometimes a public-private joint venture - receives a concession from the public authority to finance, design, construct and operate the facility, stated in a concession contract”.

The new Istanbul airport concession faces different legal challenges and Dr. Gunel mention the following:

- Flight safety standards
- Contractual liability of the parties
- Environmental impact
- The creation of a new city within Istanbul city also named [aerotropolis](#)
- The greenhouse effect of flights, ground transport and buildings.
- Birth strikes
- Meteorological conditions (e.g. winds and fog)

Dr. Gunel mention that Istanbul plays a key role on the the Turkish economy and the new airport is a very important element for the next 50 years. Thus, he hopes that Istanbul achieves economical development in a sustainable way.